

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Figures 7-9 in the reply filed on 05 October 2007 is acknowledged.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "10" or "12" (paragraph 26). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: In paragraph 7 Line 2 of the Specification, the Applicant refers to US Patent 4,5577,0111 which is not a valid US Patent number.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 10, 13, 15, 20-21, 24, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Ho, US 6,380,926.

Ho discloses the claimed invention including a body having a handle and a support for receiving a debris removing member (unlabeled, see Figures 21B or 45B, the handle is clearly shown and the support is the portion from which bristles extend, the bristles are a debris removing member), the handle being formed of a transparent material (Column 8 Lines 63-65), a member carrying decorative indicia carried on the handle with the decorative indicia visible through the handle (Figures 21B, 45B, Column 4 Lines 33-48) (claims 1 and 20). Regarding claims 10 and 21, there is a label mounted on the handle (the two-dimensional sculpture that can be fixed, Column 4 Lines 40-48), the label carrying decorative indicia visible through the handle (Figures 21B or 45B, Column 4 Lines 40-48). Regarding claims 13 and 24, there is an insert mountable in the handle (the insert being 3, the duck-shaped element; alternatively Column 4 Lines 32-45, Column 9 Lines 8-12), the insert carrying decorative indicia visible through the handle (the “indicia” being the decorative features found on the duck-shaped element, see Figures 21B or 45B). Regarding claims 15 and 26, the insert further comprises means for fixedly positioning the insert within the handle, the means carried on the insert (Column 4 Lines 45-48).

5. Claims 1, 10-13, 15-16, 20-24, and 26-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Warp, US 2,317,123.

Warp discloses the claimed invention including a body having a handle (11) and a support (12) for receiving a debris removing member (the bristles 12' are a debris removing member), the handle being formed of a transparent material (Page 1 Column 2 Lines 29-32), a member carrying decorative indicia carried on the handle with the decorative indicia visible through the handle (16, see Figures) (claims 1 and 20).

Regarding claims 10 and 21, there is a label mounted on the handle (16), the label carrying decorative indicia visible through the handle (the indicia is the writing shown, Page 2 Column 1 Line 18). Regarding claims 11 and 22, the label comprises an opaque sheet (Page 2 Column 1 Lines 19-23) having decorative indicia (writing) on a surface contacting the handle (see Figures, Page 2 Column 1 Lines 24-31), the decorative indicia visible through the handle (see Figures). Regarding claims 12 and 23, the label may comprise a transparent sheet (Page 2 Column 1 Line 23) having decorative indicia (writing) viewable through the handle (see Figures). Regarding claims 13 and 24, there is an insert mountable in the handle (16), the insert carrying decorative indicia (writing) visible through the handle (see Figures). Regarding claims 15 and 26, the insert further comprises means, carried on the insert, for fixedly positioning the insert within the handle (Page 2 Column 1 Lines 37-70). Regarding claims 16 and 27, the insert is formed of a flexible material (Page 2 Column 1 Lines 19-23) to enable the insert to be inserted through an open end of the handle (Page 2 Column 1 Line 72 to Page 2 Column 2 Line 7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 10-13, 15-16, 20-24, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKay US 4,361,923 in view of Warp, US 2,317,123.

McKay discloses the claimed invention including a body (74) having a handle (82) and a support (83 and 75) for receiving a debris removing member (43). Regarding claim 2, the support further comprises first and second spaced bearing surfaces adapted to support a rotatable tape roll about the support (the two bearing surfaces are the two surfaces of 84). Regarding claims 3-4, there are means, carried on the support, for capturing the tape roll on the support, the means comprising a plurality of circumferentially spaced projections formed on one end of the support (68, 69). Regarding claim 5, the particle removing material is a wound substrate having an adhesive outer surface (43; Column 4 Lines 1-15). McKay does not disclose that the handle is formed of a transparent material.

Warp discloses all elements previously stated above, and particularly teaches a cleaning device having a transparent handle (11), and a member carrying decorative indicia carried on the handle, with the decorative indicia visible through the handle (16, see Figures) so that a user can provide means indicating ownership of the cleaning

device so that it is not used or accidentally taken by another (Page 1 Column 1 Lines 26-31).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the handle of McKay to be transparent and to carry decorative indicia on the handle being visible through the handle, as Warp teaches, in order to provide a way for a user to personalize and show ownership of the cleaning device so that another user does not accidentally use or take the device accidentally.

7. Claims 1-5, 10, 13, 15, 20-21, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKay US 4,361,923 in view of Ho, US 6,380,926.

McKay discloses the claimed invention including a body (74) having a handle (82) and a support (83 and 75) for receiving a debris removing member (43). Regarding claim 2, the support further comprises first and second spaced bearing surfaces adapted to support a rotatable tape roll about the support (the two bearing surfaces are the two surfaces of 84). Regarding claims 3-4, there are means, carried on the support, for capturing the tape roll on the support, the means comprising a plurality of circumferentially spaced projections formed on one end of the support (68, 69). Regarding claim 5, the particle removing material is a wound substrate having an adhesive outer surface (43; Column 4 Lines 1-15). McKay does not disclose that the handle is formed of a transparent material.

Ho teaches all elements previously stated above, and particularly teaches a cleaning device having a transparent handle (Figures 21B, 45B; Column 8 Lines 63-65), and a member carrying decorative indicia carried on the handle, with the decorative

indicia visible through the handle (Figures 21B, 45B, Column 4 Lines 33-48), the indicia being provided in order to “advertise, to preach, to campaign...” (Column 4 Lines 32-45) and adds decoration to a utilitarian device (Column 3 Lines 32-35).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the handle of McKay to be transparent and to carry decorative indicia on the handle being visible through the handle, as Ho teaches, in order to provide decoration to a utilitarian lint cleaning device, the decoration of which may be entertaining or for advertising.

8. Claims 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho, US 6,380,926 in view of Haugk et al., US 5,937,554.

Ho discloses all elements previously mentioned above, in particular a sealed decorative vessel that is a portion of a utilitarian device (Column 3 Lines 32-35), the decorative vessel includes a liquid and a two or three dimensional decoration (Column 4 Lines 20-31), the vessel itself may include portions that magnify or inhibit viewing of a portion of the vessel’s contents (Column 4 Lines 49-65), the vessel being in a transparent handle of a debris removing device (Figures 21B, 45B; Column 8 Lines 63-65). Ho, however, does not particularly teach the combination of an insert carrying decorative indicia mounted in the handle with a label mounted on the handle, the label carrying decorative indicia, wherein the decorative indicia on the insert and the decorative indicia on the label forming an overlaid combined decorative indicia visible through the handle.

Haugk et al. teach a decorative container (30) that is transparent (Column 5 Lines 27-28) that has an insert (44) mounted therein, the insert having decorative indicia visible through the container (Column 4 Lines 9-22, Column 6 Lines 11-14), a label mounted on the container (66 or 68; Examples 3-5), the label carrying decorative indicia visible through the container (Examples 3-5, Column 5 Lines 29-32) and the decorative indicia on the insert and the decorative indicia on the label forming an overlaid combined decorative indicia visible through the container (Examples 3-5; Figure 8) so that the insert and label gives a deep three dimensional appearance (Examples 3-5; Column 5 Lines 26-32).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the handle having the decorative insert of Ho, to further include a label carrying decorative indicia being overlaid to form a combined decorative indicia visible through the handle, as Haugk et al. teach, as a means of providing and enhancing a deep three dimensional appearance to the decorative handle.

9. Claims 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKay US 4,361,923 and Ho, US 6,380,926 as applied to claims 13 and 24 respectively, in view of Haugk et al., US 5,937,554.

McKay and Ho disclose all elements previously mentioned above, however, do not particularly teach the combination of an insert carrying decorative indicia mounted in the handle with a label mounted on the handle, the label carrying decorative indicia, wherein the decorative indicia on the insert and the decorative indicia on the label forming an overlaid combined decorative indicia visible through the handle.

Haugk et al. teach a decorative container (30) that is transparent (Column 5 Lines 27-28) that has an insert (44) mounted therein, the insert having decorative indicia visible through the container (Column 4 Lines 9-22, Column 6 Lines 11-14), a label mounted on the container (66 or 68; Examples 3-5), the label carrying decorative indicia visible through the container (Examples 3-5, Column 5 Lines 29-32) and the decorative indicia on the insert and the decorative indicia on the label forming an overlaid combined decorative indicia visible through the container (Examples 3-5; Figure 8) so that the insert and label gives a deep three dimensional appearance (Examples 3-5; Column 5 Lines 26-32).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the handle having the decorative insert of McKay and Ho, to further include a label carrying decorative indicia being overlaid to form a combined decorative indicia visible through the handle, as Haugk et al. teach, as a means of providing and enhancing a deep three dimensional appearance to the decorative handle.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura C Guidotti/
Patent Examiner
Art Unit 3723

lcg